

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARIA RODRIGUEZ,

Plaintiff,

Docket No. 1:17-cv-381

HON. _____

v

DOLGENCORP, LLC,
d/b/a DOLLAR GENERAL,

Defendant.

JOSEPH SUKUP (P39898)
DANIEL J. ARMSTRONG (P75382)
Attorneys for Plaintiff
KELLER & KELLER
814 Port Street, P.O. Box 7
St. Joseph, MI 49085
(269) 983-7333

MATTHEW T. TOMPKINS (P62665)
Attorney for Defendant
PLUNKETT COONEY
333 Bridge Street NW, Suite 530
Grand Rapids, MI 49504
(616) 752-4605

NOTICE OF FILING REMOVAL

To: Clerk of the Court
Berrien County Circuit Court
811 Port Street
St. Joseph, MI 48085

Joseph Sukup
KELLER & KELLER
814 Port Street, P.O. Box 7
St. Joseph, MI 48085

PLEASE TAKE NOTICE that Defendant, DOLGENCORP, LLC, d/b/a DOLLAR GENERAL, have this day filed its Notice of Removal, copies of which are attached hereto via electronic filing with the U.S. District Court, Western District of Michigan.

Respectfully submitted,

PLUNKETT COONEY

By Matthew T. Tompkins /s/ (P62665)

Matthew T. Tompkins (62665)

Attorney for Defendant

333 Bridge Street NW, Suite 530

Grand Rapids, MI 49504

(616) 752-4605

Dated: April 26, 2017

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARIA RODRIGUEZ,

Plaintiff,

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v

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NOTICE OF REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

TO: United States District Court Judges of the District Court

NOW COMES Defendant, DOLGENCORP, LLC, d/b/a DOLLAR GENERAL, by and through its attorneys, PLUNKETT COONEY, and pursuant to 28 USC 1441(b) and 1446 files this Notice of Removal pursuant to those statutes for the following reasons:

1. On or about March 27, 2017, there was commenced and is now pending in the Berrien County Circuit Court, County of Berrien, State of Michigan, a certain civil action bearing Case No. 17-0063-NO, in which Maria Rodriguez is the Plaintiff and Dolgencorp, LLC, d/b/a Dollar General is the Defendant.

2. This action is a suit of common law of a civil nature in which Plaintiff claims that Defendant's negligent acts resulted in serious personal injuries to Plaintiff, including, but not limited to non-economic and economic losses to the Plaintiff.

3. As set forth in their Complaint, Plaintiff made a generalized demand in excess of Twenty-Five Thousand Dollars (\$25,000.00) and is seeking to recover both economic and non-economic damages. Based in part on communications that occurred recently, Plaintiff is in reality, seeking damages in excess of Seventy-Five Thousand Dollars (\$75,000.00).

4. Further, it is defense counsel's experience that damages such as those alleged by Plaintiff, assuming liability and related damages alleged are established, may be valued in excess of \$75,000.00.

5. This action involves a controversy with complete diversity of citizenship between citizens of different states and therefore, satisfies the requirement set for in 28 USCA §1332. More specifically, Defendant Dolgencorp, LLC, d/b/a Dollar General affirmatively avers that:

- (a) Plaintiff is now and at the time of the commencement of this action, a resident and citizen of the State of Michigan, residing in the County of VanBuren;
- (b) Defendant, Dolgencorp, LLC, d/b/a Dollar General was at the commencement of this action, is now and ever since, has been a limited liability company duly created and organized by and under the laws of the State of Kentucky with its principal place of business in Goodlettsville, Tennessee; it was not and is not a corporation created or organized under the laws of the State of Michigan, and does not have its principal place of business in Michigan.

6. This matter is a controversy having complete diversity between Plaintiff, citizen of the State of Michigan and Defendant, a limited liability company created and

organized under the laws of the State of Kentucky with its principal place of business in Goodlettsville, Tennessee; involving an amount in controversy of more than \$75,000.00 over which the Federal District of the United States has jurisdiction. (Exhibit 1 - Complaint).

7. Defendant, Dolgencorp, LLC, d/b/a Dollar General has not filed pleadings in the Circuit Court for the County of Berrien, and no proceedings in said cause have taken place to date.

8. Defendant, Dolgencorp, LLC, d/b/a Dollar General was served with the Summons and Complaint on or about April 5, 2017. Accordingly, this removal has been timely filed within thirty (30) days after the date of service.

9. Because proceedings have not taken place and no responsive pleadings have been filed in the Berrien County Circuit Court, this removal is timely and remains fully removable pursuant to the statutes above cited for the reasons stated.

10. The written Notice of Filing of this Removal have been given to all parties through their attorneys as required by law is also attached.

11. A true and correct copy of this removal has been filed with the Berrien County Circuit Court as provided by law.

WHEREFORE Defendant, Dolgencorp, LLC, d/b/a Dollar General organized under the laws of the State of Kentucky with its principal place of business in Goodlettsville, Tennessee, respectfully requests this Honorable Court to effect removal of this civil action from the Circuit Court for the County of Berrien, State of Michigan to the United States District Court for the Western District of Michigan, Southern Division.

Respectfully submitted,

PLUNKETT COONEY

By Matthew T. Tompkins /s/ (P62665)

Matthew T. Tompkins (62665)

Attorney for Defendant

333 Bridge Street NW, Suite 530

Grand Rapids, MI 49504

(616) 752-4605

Dated: April 26, 2017

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